

Ireland's Human Rights Record under the Spotlight

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National Disability Strategy and Equality legislation
address main areas of Convention but some key
work remains

- Article 12 – Mental Capacity Legislation
- Article 14 – Right to liberty and security of person
- Article 16 – Freedom from Exploitation, violence and abuse
- Article 19 – Independent Living in the Community
- Article 23 – Respect for Home and Family
- Article 33 – Monitoring mechanisms

Article 14

Before ratification, legislative change may be required to ensure that voluntary patients are either free to leave, and are so informed; or have access to equivalent safeguards to those extended to involuntary patients.

Article 16

The Article requires **all** facilities and programmes designed to serve people with disabilities to be effectively monitored by independent authorities. In addition it requires

- Appropriate measures to protect people with disabilities from exploitation, violence and abuse
- Provision of assistance, support, information and education on such abuse
- Services for rehabilitation and recovery of victims of such abuse

- International evidence establishes the additional vulnerability of people with disabilities to abuse and additional risk in institutional settings (Ryan Report, Council of Europe, 2011 World Report on Disability)
- Ireland seriously lags behind developed economies in providing for external oversight and monitoring of residential services for people with disabilities

- The Minister for Disability Equality and Mental Health has announced the intention to have mandatory standards and inspection of residential services for people with disabilities in place by July 2010.
- NDA advises that there should be no further delays in the implementation of standards, associated regulations and independent inspection.
- ‘Facilities and programmes designed to serve people with disabilities’ means the scope of Convention extends beyond residential and respite services and requires additional attention

Article 23

- Interests of the child paramount, however “in no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents”.
- Requires specific criteria for determining a lack of capacity to care for the child, which would be broadly similar to those in use in other child protection cases. For example assess parental capacity to provide physical, emotional and developmental care, and to safeguard the child’s safety. Assessment of capacity to take into account the child’s environment and the other supports available.

Article 33

- Requires one or more independent mechanisms to promote, protect and monitor implementation of the Convention. National Disability Authority happy to engage with the Irish Human Rights Commission (which monitors other UN human rights instruments) in relation to this role.

Ratification...

Public expectation is high:

Policy and programme issues highlighted should be addressed by mid 2012 to ensure ratification can proceed promptly following Mental Capacity legislation.

Further NDA information & research on

- UNCRPD
- Standards and quality assurance mechanisms
- Mental Capacity legislation
- Supporting parents with disabilities

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Thank you.